



California Regional Water Quality Control Board

San Diego Region



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Protection

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Arnold Schwarzenegger
Governor

TO: Section 401 Water Quality Certification Applicants

FROM:  John H. Robertus
Executive Officer
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: December 15, 2003

SUBJECT: GUIDANCE REGARDING SECTION 401 WATER QUALITY
CERTIFICATION FOR POST-FIRE RECOVERY ACTIONS IN WATERS OF
THE U.S.

As a result of the recent wildfires in San Diego County, we have been contacted by municipalities and other agencies regarding the need to remove debris and sediment from waters of the U.S. and State to address potential flooding and erosion concerns. These actions typically include the cleaning of culverts and their concrete aprons, removal of debris (trash, dead vegetation), and construction of check dams and sediment basins. We feel that these action are best addressed through the U.S. Army Corps of Engineer's (ACOE) Regional General Permit (RGP) No. 63 Repair and Protection Activities in Emergency Situations.

The State Water Resources Control Board (SWRCB) certified RGP No. 63 on October 14, 2003. Project proponents are encouraged to contact the ACOE to determine if the proposed emergency project will be authorized under RGP No. 63. If the ACOE determines that the project may be implemented under RGP No. 63, the project proponent is responsible for complying with the conditions contained within the SWRCB 401 water quality certification as well as the conditions within RGP No. 63.

A copy of RGP No. 63 and SWRCB certification can be found at:
http://www.swrcb.ca.gov/cwa401/docs/rgp63_ladist.pdf.

We have received requests regarding after-the-fact authorizations for emergency actions in waters of the U.S. In light of the SWRCB's certification of RGP No. 63 and the type of activities covered by RGP No. 63, we do not feel that after-the-fact authorizations are necessary. If the proposed project does not qualify for coverage under RGP No. 63, the project proponent will need to apply for, and obtain, section 401 water quality certification prior to implementing the project.

If you have any questions, please contact Ms. Stacey Baczkowski at 858-637-5594 or baczs@rb9.swrcb.ca.gov.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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